IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1536 OF 2006

A.H.S. Ansari thorugh
C.A. Mr. Nabi Rahim Ansari ... Petitioner

Vs.

Maharashtra State Electricity
Distributions Co. Ltd. .... Respondents

Ms. Anita G. Bhaktawani for Petitioner.

Mr. Ajit Nair for Respondents.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 18TH JULY, 2006

P.C.:

1. The additional bill clearly discloses that against the sanctioned load of 50 H.P., on inspection the officers found the load connected was 70.12 H.P. based on which the demand was made for the additional amount of Rs.9,54,513.64 ps.. This is the subject matter of the present challenge. It is contended that the electricity supply could have been disconnected only after compliance of the requirement of Section 126 of the Electricity Act. That has not been done in the present case.

2. A look at Section 126 of the Electricity Act, 2003 makes it clear that if the authorities come to the conclusion that the person is indulging in unauthorised use of electricity, provisional bill has to be served and objection invited from the

concerned party. It appears that this procedure was not followed before disconnection of the electricity.

3. On behalf of the Respondent, the learned counsel points out that the bill dated 22.3.2006 was provisional and that the Petitioner failed to show cause or to make payment, and as such the electricity disconnected. At any rate, it is pointed out that there is alternate remedy available to the Petitioner and as such the Petitioner is not entitled to invoke extra ordinary jurisdiction of this court.

4. After hearing the parties, we pass the following order:

1. The bill dated 22.3.2006 be treated as provisional bill. It will be open to the Petitioner to show cause and thereafter it is for the respondents to pass appropriate orders according to law. If the Petitioner is aggrieved, it will be open to the Petitioner to peruse the remedy available before the appropriate forum.

2. If in the meantime, the Petitioner deposits 50% of the sum of Rs.9,64,13.64 ps. with the respondents, the respondent to reconnect

electricity. This ofcourse will be subject to final order that will be passed by the respondent on the Petitioner’s showing cause.

. With the above observations, Petition stands disposed of.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**